

## **CPCS FY 2005 Budget Request**

**December 9, 2003**

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# CPCS FY 2005 Budget Request

Appropriations 0321	1500 Public Defender, Operations, Administration	1510 Private Counsel	1520 Court Costs	Total
FY 2004 Appropriations	15,225,009	59,381,494	6,014,020	80,620,523
PAC from 2003		1,022,951	414,947	1,437,898
Anticipated Supplement		13,000,000	2,000,000	15,000,000
Anticipated revenue from 0321-1518	250,000			250,000
<b>Total 2004 Appropriations, PAC &amp; 1510/20 Supplement</b>	<b>15,475,009</b>	<b>73,404,445</b>	<b>8,428,967</b>	<b>97,308,421</b>
<b>Maintenance:</b>				
Attorney salary increase	1,400,000			1,400,000
Non-attorney staff salary increase	105,682			105,682
Legal Services & Court Costs Expected '05 Growth		4,133,142	0	4,133,142
Maintenance Increases (Positions filled in '04)	80,867			80,867
<b>Total Including Maintenance</b>	<b>17,061,558</b>	<b>77,537,587</b>	<b>8,428,967</b>	<b>103,028,112</b>
<b>Expansion:</b>				
Restore Public Defender positions and 1 Investigator	230,000			230,000
> PD's (2 Springfield; 1 Worcester, Brockton, Lowell)				
> Investigator 1 Lowell	344,100			344,100
Add 1 SDP Office	269,100			269,100
Add 1 SORB Office	2,411,400			2,411,400
Add 6 New CAFL Offices - 5 Attorney model	621,400			621,400
Add 2 New CAFL Offices - 3 Attorney model	656,000			656,000
Add 4 Youth Advocacy (YAP) Units				
Private Counsel & Court Cost Vendor Savings Offset		-4,330,395	-30,000	-4,360,395
<b>Total Expansion</b>	<b>4,532,000</b>	<b>-4,330,395</b>	<b>-30,000</b>	<b>171,605</b>
<b>Total Before Rate Increase</b>	<b>21,593,558</b>	<b>73,207,192</b>	<b>8,398,967</b>	<b>103,199,717</b>
Private Attorney Hourly Rate Increase to Committee Approved Levels		86,519,844		86,519,844
<b>Total</b>	<b>21,593,558</b>	<b>159,727,036</b>	<b>8,398,967</b>	<b>189,719,561</b>

**Committee for Public Counsel Services  
FY 2005 Budget Proposal 0321-1500  
Public Defender Programs (including CAFL, YAP)  
Agency Operations and Administration**

Effective FY 2004, this budget line became a consolidated account for all salaried staff CPCS operations. It funds public defender and staff attorney salaries, non-attorney staff salaries, office space and administrative support. Also included in this line item are critical training, certification, assignment, quality control and support services for 125 staff counsel and 2,500 Private Bar Advocates providing assigned counsel in more than 244,000 cases annually. Furthermore, this budget line provides funding for all CPCS bill processing, auditing and information technology services.

These critical functions must be maintained and enhanced in order to responsibly manage the workload increases caused by the continuing growth in assigned counsel cases and indigent court costs. Funding of this line enables CPCS to implement and control cost reduction initiatives necessary to manage upwards of \$100 million in attorney fees and court costs on some 286,000 bills. The 2005 plan continues CPCS efforts to bring rational and fiscally responsible management to the Judiciary and the Commonwealth.

The CPCS Youth Advocacy Program (YAP) brings a nationally recognized, innovative, multi-disciplinary approach to the legal representation of children. In a very real sense, YAP works to prevent future criminal acts through early and positive intervention. Providing YAP staff attorneys to children facing delinquency or youthful offender charges in critical regions beyond YAP's Roxbury base is a high CPCS priority.

CAFL similarly fills a vital need for effective representation of children and parents in Care and Protection cases. Every C&P filing represents a family in crisis, and a child or children at risk. Our successful staff operations in Salem and Springfield should be expanded statewide.

The following are the areas in need of increased funding over the FY 2004 reduced appropriation levels:

**Maintenance:**

- A salary increase for all staff attorney positions is proposed to approximate the Counsel I and Counsel II scale.

Budget request:     \$1,400,000

- A 3% cost of living increase is proposed for all non-attorney staff positions.

Budget request:     \$105,682

- Maintenance is required to annualize salaries for positions vacated by attrition, but filled during FY 2004.

Budget request:     \$80,867

**Expansion:**

Each of the proposals below are required to manage increasing case loads and assure the availability of counsel.

- Proposal to refill five attorney positions and one investigator (6 total FTE) in the geographic areas of immediate need – Worcester, Brockton, Lowell, Springfield. Vacancies are due to attrition caused by three years of reduced appropriations and have remained unfilled for many months.

Budget request: \$230,000

- Proposal to add one SDP office.

Budget request: \$344,100

- Proposal to add one SORB office.

Budget request: \$269,000

- Proposal to add six CAFL offices using a 5 Attorney Model.

Budget request: \$2,411,000

- Proposal to add two CAFL offices using a 3 Attorney Model.

Budget request: \$621,000

- Proposal to add four YAP offices.

Budget request: \$656,000

We expect the representation provided by CPCS staff in the above proposals will result in cost savings that will offset dollars spent in the 1510 & 1520 accounts designated for private counsel representation and related court costs.

Total savings estimate: \$4,330,395 in line item 0321-1510

FY 2005 Line 1500 Budget Request \$21,593,558

**Committee for Public Counsel Services  
FY 2005 Budget Proposal 0321-1510  
Private Counsel Case Fees**

The baseline projection for private attorney compensation in all cases (before needed hourly rate increases) is \$77,537,587. Increasing hourly rates by to previously approved committee levels of \$120/hour for murder cases, \$90 for Superior Court/C&P cases and \$60/hour for all other cases would add \$86.5 million to this budget request, for a total appropriation of \$159,727,036. This total factors in cost savings realized by CPCS office expansion previously cited.

**Overview Of The Construction Of The FY 2005 Budget Request**

	(\$ Thousands)
FY 2004 Appropriation	\$ 73,404
Add FY '05 expected Growth	<u>\$ 4,133</u>
Sub-total	\$ 77,537
Less FY '05 CPCS office/staff expansion offset	<u>\$ (4,330)</u>
Sub-total before rate increase	\$ 73,207
Add Committee Approved Attorney Rate Increase	<u>\$ 86,520</u>
<b>FY 2005 Line 1510 Budget Request</b>	<b>\$159,727</b>

**Committee for Public Counsel Services  
FY 2005 Budget Proposal 0321-1520  
Indigent Court Costs**

The FY 2005 CPCS Indigent Court Cost budget request is \$8,428,967 based on level rate of growth expected in fiscal year 2005. Although the expenses in this account are currently trending downward from FY 2003 to FY 2004, this is contrary to increasing case load and hours billed data. CPCS will continue to investigate why assigned counsel are not utilizing this resource as in the past and we propose level funding for FY 2005 until more than anecdotal data can be gathered.

Line 0321-1520 is unique among CPCS budget lines, in that CPCS acts only as a disbursing agent for indigent party costs, in CPCS and non-CPCS cases alike, which have been authorized by a judge. Although its responsibility is thus restricted, CPCS has taken concrete steps to control growth through various initiatives. For example, audits are being conducted, billing rate ranges for a variety of expert categories have been defined, and every attorney who receives a court order which authorizes the provision of a service at public expense is required to certify actual receipt of that service.

The \$8.4 million FY 2005 request breaks down approximately into the following areas of expenditure:

(Thousands \$)

Psych Exam	\$2,500	Summons Delivery	\$ 350
Investigation	\$2,500	Photocopying	\$ 200
Transcription	\$1,300	Interpreter	\$ 75
Expert Witness	\$ 800	All Other	\$ 575

**Overview Of the Construction Of The FY 2005 Budget Request**

	(\$ Thousands)
FY 2004 Actual Appropriation	\$8,429
Less savings offset new staff investigator	<u>\$ (30)</u>
<b>FY 2005 Line 1520 Budget Request</b>	<b>\$ 8,399</b>

## SDP Office Expansion

### One Time and Recurring Annual Charges Per Office

#### One Time Charges

Furniture	\$ 10,200.00	\$1200 per office, plus \$3,000 for Conference, Reception, Kitchen
Phone System and Line Inst	\$ 6,500.00	
DSL Install	\$ 500.00	6 Computers - @\$1200/each, 1 Server @\$3500
Computer Equipment	\$ 10,700.00	
Advertising	\$ 1,500.00	
Supplies	\$ 1,200.00	
<b>Total One Time Charges</b>	<b>\$ 30,600.00</b>	

#### Recurring Annual Charges

Payroll & DD	\$ 279,000.00	Salaries for 1 Office Head, 4 attorneys, 1 Admin, plus 1.5% for DD
Rent	\$ 19,000.00	
Phone Service	\$ 4,800.00	1000 Square feet @19.00/square foot
Internet Service	\$ 3,000.00	
Supplies	\$ 1,000.00	
Travel	\$ 1,800.00	
Copy/FAX/Print	\$ 3,000.00	
Lexis	\$ 1,900.00	
<b>Total Recurring Annual Charges</b>	<b>\$ 313,500.00</b>	

#### Salary assumptions for above

Office Head	\$80,500
Attorney	\$40,000
Admin	\$34,000

# SORB Office Expansion One Time and Recurring Annual Charges Per Office

## One Time Charges

Furniture	\$ 9,000.00	\$1200 per office, plus \$3,000 for Conference, Reception, Kitchen
Phone System and Line Inst	\$ 6,500.00	
DSL Install	\$ 500.00	4 Computers - @\$1200/each, 1 Server @\$3500
Computer Equipment	\$ 9,500.00	
Advertising	\$ 1,500.00	
Supplies	\$ 1,000.00	
<b>Total One Time Charges</b>		<b>\$ 28,000.00</b>

## Recurring Annual Charges

Payroll & DD	\$ 238,000.00	Salaries for 3 attorneys, 1 Admin, plus 1.5% for DD
Rent	\$ 17,100.00	
Phone Service	\$ 4,800.00	700 Square feet @19.00/square foot
Internet Service	\$ 3,000.00	
Supplies	\$ 1,000.00	
Travel	\$ 1,000.00	
Copy/FAX/Print	\$ 3,000.00	
Lexis	\$ 1,200.00	
<b>Total Recurring Annual Charges</b>		<b>\$ 269,100.00</b>

## Salary assumptions for above

Office Head	\$80,500
Attorney	\$40,000
Admin	\$34,000



# CAFL Office Expansion - 5 Attorney Model

## One Time and Recurring Annual Charges Per Office

### One Time Charges

Furniture	\$ 12,600.00
Phone System and Line Install	\$ 6,500.00
DSL Install	\$ 500.00
Computer Equipment	\$ 11,900.00
Advertising	\$ 1,500.00
Supplies	\$ 1,600.00

\$1200 per office, plus  
\$3,000 for Conference,  
Reception, Kitchen

7 Computers -  
@\$1200/each, 1 Server  
@\$3500

**Total One Time Charges** **\$ 34,600.00**

### Recurring Annual Charges

Payroll & DD	\$ 329,000.00
Rent	\$ 22,800.00
Phone Service	\$ 4,800.00
Internet Service	\$ 3,000.00
Supplies	\$ 1,000.00
Travel	\$ 1,800.00
Copy/FAX/Print	\$ 3,000.00
Lexis	\$ 1,900.00

Salaries for 1 Office Head,  
4 attorneys, 1 Social  
Worker, 1 Admin, 1 PT  
Investigator, plus 1.5% for  
DD

1200 Square feet  
@19.00/square foot

**Total Recurring Annual Charges** **\$ 367,300.00**

### Salary assumptions for above

Office Head	\$80,500
Attorney	\$40,000
Admin	\$34,000
Social Worker	\$34,000
PT Investigator	\$15,000

# CAFL Office Expansion - 3 Attorney Model One Time and Recurring Annual Charges Per Office

## One Time Charges

Furniture	\$ 10,200.00	\$1200 per office, plus \$3,000 for Conference, Reception, Kitchen
Phone System and Line Install	\$ 6,500.00	
DSL Install	\$ 500.00	5 Computers - @\$1200/each, 1 Server @\$3500
Computer Equipment	\$ 9,500.00	
Advertising	\$ 1,500.00	
Supplies	\$ 1,200.00	

**Total One Time Charges** \$ 29,400.00

## Recurring Annual Charges

Payroll & DD	\$ 248,000.00	Salaries for 1 Office Head, 2 attorneys, 1 Social Worker, 1 Admin, 1 PT Investigator, plus 1.5% for DD
Rent	\$ 19,000.00	
Phone Service	\$ 4,800.00	1000 Square feet @19.00/square foot
Internet Service	\$ 3,000.00	
Supplies	\$ 1,000.00	
Travel	\$ 1,500.00	
Copy/FAX/Print	\$ 3,000.00	
Lexis	\$ 1,000.00	

**Total Recurring Annual Charges** \$ 281,300.00

## Salary assumptions for above

Office Head	\$80,500
Attorney	\$40,000
Admin	\$34,000
Social Worker	\$34,000
PT Investigator	\$15,000

## YAP Office Expansion

### One Time and Recurring Annual Charges Per Office

#### One Time Charges

Furniture	\$ 6,600.00	\$1200 per office, plus \$3,000 for Conference, Reception, Kitchen
Phone System and Line Inst	\$ 6,500.00	
DSL Install	\$ 500.00	
Computer Equipment	\$ 7,100.00	3 Computers - @\$1200/each, 1 Server @\$3500
Advertising	\$ 1,500.00	
Supplies	\$ 600.00	

<b>Total One Time Charges</b>	<b>\$ 22,800.00</b>
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#### Recurring Annual Charges

Payroll & DD	\$ 116,000.00	Salaries for 2 attorneys, 1 Social Worker, 1.5% for DD
Rent	\$ 11,400.00	
Phone Service	\$ 4,800.00	600 Square feet @19.00/square foot
Internet Service	\$ 3,000.00	
Supplies	\$ 1,000.00	
Travel	\$ 1,000.00	
Copy/FAX/Print	\$ 3,000.00	
Lexis	\$ 1,000.00	

<b>Total Recurring Annual Charges</b>	<b>\$ 141,200.00</b>
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#### Salary assumptions for above

Attorney	\$40,000
Social Worker	\$34,000

# FY 2005 Private Bar Rate Increase to Committee Approved Levels

	2003 Rate	2003 Hours	2003 Cost \$	Projected % Increase	2005 Hours	\$ Increase Per Hour	Incremental \$ Increase	2005 Rate	2005 Cost \$
<u>1510</u>									
	\$54	57,682	\$3,114,828	8.00%	62,389	\$66	\$4,117,674	\$120	\$7,486,680
	\$39	152,743	\$5,956,977	8.00%	165,207	\$51	\$8,425,557	\$90	\$14,868,630
	\$30	1,207,792	\$36,233,760	8.00%	1,306,348	\$30	\$39,190,440	\$60	\$78,380,880
Sub Total		1,418,217			1,533,944		\$51,733,671		\$100,736,190
<u>1512</u>									
	\$39	600,428	\$23,416,692	8.00%	649,423	\$51	\$33,120,573	\$90	\$58,448,070
	\$30	51,331	\$1,539,930	8.00%	55,520	\$30	\$1,665,600	\$60	\$3,331,200
Sub Total		651,759			704,943		\$34,786,173		\$61,779,270
Grand Total		2,069,976			2,238,887		\$86,519,844		\$162,515,460